UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

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LEWIS E. KNAPPER and
LINDA KNAPPER,
Plaintiffs,
vs. CIVIL ACTION NO. 9:08-CV-0084
SAFETY KLEEN SYSTEMS,
INC., et al.,
Defendants.

* * *

Deposition of STEPHEN E. PETTY, Witness herein, called by the Defendants United States Steel, USX Corporation and Aristech Chemical Corporation, for cross-examination pursuant to the Rules of Civil Procedure, taken before me, Beverly W. Dillman, a Notary Public in and for the State of Ohio, at the offices of EES Group, Inc., 6321 Irelan Place, Dublin, Ohio, on Thursday, July 16, 2009, at 8:22 o'clock a.m.

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EXAMINATIONS CONDUCTED

	Page
BY MR. GRAY:	6
BY MR. RILEY:	239
BY MR. GRAY:	312
BY MR. BLACK:	316
BY MR. RILEY:	320

EXHIBITS MARKED

Exhibit Name	Description	Page
Exhibit 1	Notice of Deposition and Subpoena Duces Tecum	6
Exhibit 2	Outline of Opinions in Knapper Case	7
Exhibit 3	Transcript of Petty in Oakley case	18
Exhibit 4	Rubek and Dahl paper	29
Exhibit 5	Darrer paper	34
Exhibit 6	Combustion of Crude Oil on Water, Fire Safety Journal	34
Exhibit 7	Hanna and Drivas paper	39
Exhibit 8	Fingas paper	62
Exhibit 9	Outline of Opinions in Oakley case	79
Exhibit 10	Combustion of Oil on Water: An Experimental Program	108
Exhibit 11	Calculation of Evaporative Emissions from Multicomponent Liquid Spills	126
Exhibit 12	Guidelines for Use of Vapor Cloud Dispersion Models	126

Exhibit 13	Curriculum vitae of Stephen Petty	136
Exhibit 14	USEPA Risk Management Program Guidance for Offsite Consequence Analysis	155
Exhibit 15	Exhibit 8 to Drivas deposition	160
Exhibit 16	Nicas paper, Predicting Benzene Vapor Concentrations with a Near Field/Far Field Model	161
Exhibit 17	John W. Spencer Summary Report	180
Exhibit 18	Outline of Opinions in Wilkinson case	189
Exhibit 19	Handwritten notes comparing Alpha numbers of Nicas and Petty	191
Exhibit 20	Wilkinson-Calcs spreadsheet for dermal exposure to Liquid Wrench	210
Exhibit 21	Peter J. Drivas comments on Petty's Benzene Evaporation Analysis	229
Exhibit 22	Barry S. Levy, M.D. report	230
Exhibit 23	Myron Mehlman, Ph.D. report	230
Exhibit 24	Four laboratory reports on Liquid Wrench	275
Exhibit 25	MSDS, Liquid Wrench Super Penetrant (Aerosol) RSC 00096 and 00096-A	279
Exhibit 26	Letter to Rosemary Dorton dated 04-27-78, HB00039-40	290
Exhibit 27	MSDS, Liquid Wrench (aerosol) RSC 00109-110	295
Exhibit 28	MSDS, Liquid Wrench No. 1 RSC 00094-95	295

of 75 millimeters, apparently.

And then Fingas looked at that issue as well and concluded that so long as you're not being crazy in your experimental design -- and by crazy I mean reasonably thin thicknesses -- it's not a primary factor.

Q. Next question. You carefully explained cyclohexane and benzene, and the fact that they are very similar ring structure. If you take a solvent that has cyclohexane and benzene in it, and you put it under gas chromatography, are you going to have an overlap?

A. Oh, man. I'm not an expert in GC. I ran them about 30 years ago.

Q. What prompts my question is the fact that you were telling me how similar they are in terms of the actual, you know, chemical ring structure.

A. Yeah. But here is -- I'm drawing because that's the only thing I know how to do. I'm drawing a straight line on the bottom and I'm drawing two peaks. And the question you asked is do these peaks overlap. Are they like this or do they have -- in other words, are they separated? Because what this plot is is some sort of signal

out of a GC using an emission signal.

Q. Let me make sure we understand each other. When I say overlap --

A. And this is time.

Q. -- I'm saying do they look the same on the gas chromatography? If someone is looking at cyclohexane under gas chromatography and benzene, are they going to have trouble determining which is which?

A. If you use GC/MS, gas chromatography with a mass spec, you'll be able to distinguish them.

Q. What about gas chromatography, say, in the late '70s, early '80s?

A. Yeah, I'm pretty sure you could. I'm not an expert on GC, I don't pretend to be.

Q. They would be pretty similar, though, wouldn't they?

A. We were using GC/MS. They have gotten a lot better with time and electronics. But the basic principle, which is to heat the material and run it through a tube, and the -- the time at which it comes through this tube, then it spreads it out, spreads all the chemicals out, if you will, and then there is a detector

looking for emission patterns from each of these, and that basic technology is -- has been around since then.

And I know that because ASTM standard methods for measuring benzene in things recommended GC/MS, GC. And this was -- those were in the -- I want to say those were around certainly in the mid '70s.

Q. Okay. Let me ask you something about some of the other depositions in the case. In your analysis of Mr. Knapper, how long are you assuming he had it on his hands, Liquid Wrench?

MR. BLACK: Objection, form.

THE WITNESS: I would have to go to each of the scenarios.

BY MR. RILEY:

Q. Okay. So it's different in each scenario?

A. Yes.

Q. Is there an average that you assumed?

A. No. I used -- I used the -- from the interview information, I believe there were eight scenarios. It was a lot more work than I thought. So each of those eight scenarios have

different application times, and whatever he said they were is what we used.

Q. Why did you interview Mr. Knapper?

A. Because I had incomplete information from the depositions.

Q. Okay. Did the additional information from the interview assist you in formulating your opinions for the report?

A. Absolutely.

Q. What about Mr. Coleman's deposition, did you review that? He was Mr. Knapper's coworker.

A. I'm drawing a blank. Just let me check. If I received it, I read it and I summarized it.

Q. Well, let me see if I can refresh your memory. Mr. Coleman testified that he carried a rag and that Mr. Knapper carried a rag, and Mr. Coleman would always wipe his hands off when he got Liquid Wrench on him. And my question is: Did you reduce the amount of time that Liquid Wrench would be on Mr. Knapper's hands due to Mr. Coleman's testimony?

A. I usually have a good memory, and I don't remember Mr. Coleman. (Examining

documents.) I can tell you what I did. I mean, I used the information from the interview of Mr. Knapper; okay?

Q. (Nodding head up and down.)

A. I'm trying to see.

Q. Was there a certain static space that you assumed for Mr. Knapper, on average, that he would be away from the Liquid Wrench when he used it; in other words, 18 inches away from the Liquid Wrench, is that kind of the assumed average that you used?

A. I asked him in each case how far away he was, and I would use whatever he told me. So --

Q. Did you take into consideration Mr. Knapper's testimony about having put drops on various bolts and then walking away from it, and then reducing the amount of his exposure due to the fact that he would walk away from the Liquid Wrench to allow it to sink in?

A. I only -- the answer is yes in the sense that I asked him specifically, I am only interested in the time that you applied it, I just want to know the time you applied it, when you were in close proximity and how far away were